

**Sec. 5.1500. (C-3) HIGHWAY COMMERCIAL DISTRICT.****Sec. 5.1501. Purpose.**

This district is intended to permit most types of commercial activities and includes the sale of commodities or performance of services for a larger segment of population than the average neighborhood. This district is designed for application on major streets or portions thereof.

**Sec. 5.1502. Approvals required.**

No structure or building shall be built or remodeled upon land in the C-3 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

(Ord. No. 3225, § 1, 5-4-99)

**Sec. 5.1503. Use regulations.**

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.
  - a. Business and professional offices.
  - b. Business schools.
  - c. Hospitals for animals including boarding and lodging; provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
  - d. Medical or dental office including laboratory.
  - e. Optician.
  - f. Studio for professional work or teaching of any form of commercial or fine arts.
  - g. Municipal uses.
  - h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
    - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
    - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
    - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
    - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
    - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
    - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district

and screened by a minimum six-foot high wall.

(7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.

(8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.

(9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Awning or canvas sales store.
- f. Bakery.
- g. Bicycle store.
- h. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

(1) Primary access is not on a local collector\* street; and

**Note:** \*At the request of the city the term residential has been changed to collector in this subsection.

(2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1503.B.

- i. Bookstore.
- j. Camera store.
- k. Candy store.
- l. Carpet and floor covering store.
- m. Clothing store.
- n. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
- o. Department store.
- p. Drugstore.
- q. Electronic equipment store.
- r. Fabric store.
- s. Feed store.
- t. Florist.
- u. Furniture store.
- v. Gift shop.

- w. Grocery store or supermarket.
  - x. Gun shop.
  - y. Hardware store.
  - z. Hobby or toy store.
  - aa. Home improvement store.
  - bb. Ice cream store.
  - cc. Ice distributing station.
  - dd. Import store.
  - ee. Jewelry store.
  - ff. Liquor store.
  - gg. Music store.
  - hh. Pawnshop.
  - ii. Pet shop.
  - jj. Plant nursery.
  - kk. Restaurant.
  - ll. Restaurant, drive-through and drive-in.
  - mm. Sporting good store.
  - nn. Stationery store.
  - oo. Swimming pool supply store.
  - pp. Variety store.
  - qq. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.
3. Wholesale sales. Wholesale sales of any commodity allowed as retail sales in the C-3 district.
4. Services.
- a. Animal boarding kennel, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
  - b. Appliance repair.
  - c. Bank.
  - d. Barber or beauty shop.
  - e. Bowling alley.
  - f. Broadcasting station and studio, radio or television excluding sending or receiving tower except as provided in section 5.1503B.
  - g. Clothes cleaning agencies and laundromats, excluding industrial cleaning and dyeing plants.
  - h. Coin-operated carwash.
  - i. Fitness studio.
  - j. Frozen food locker.
  - k. Gymnasium, racquet, paddle or handball courts.
  - l. Hotel, motel, and timeshare project.
  - m. Movie theater (indoor only).

- n. Museum.
  - o. Post office.
  - p. Printing, lithography, publishing or photostating establishment.
  - q. Private clubs, fraternities, sororities and lodges.
  - r. Recyclable material collection center.
  - s. Shoe repair shop.
  - t. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard.
  - u. Taxidermist.
  - v. Telephone answering service.
  - w. Turkish bath that may include masseur and/or masseuse.
  - x. Upholstery shop, furniture, provided all activity and storage is within a completely enclosed building.
5. Other uses.
- a. Accessory buildings.
  - b. Churches and places of worship.
  - c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
  - d. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
  - e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

**B. *Uses permitted by a conditional use permit.***

- 1. Adult uses (see section 1.403 for criteria).
- 2. Amusement park.
- 3. Automated carwash.
- 4. Automobile rental or leasing (see section 1.403 for criteria regarding outdoor vehicular display).
- 5. Automobile sales, new (see section 1.403 for criteria regarding outdoor vehicular display).
- 6. Automobile sales, used (see section 1.403 for criteria regarding outdoor vehicular display).
- 7. Automotive repair, excluding body and paint shops (see section 1.403 for criteria regarding outdoor vehicular display).
- 8. Bars and cocktail lounges (see section 1.403 for criteria).
- 9. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- a. Primary access is on a local residential street; or
- b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

- 10. Boat sales (see section 1.403 for criteria regarding outdoor vehicular display).
- 11. Bus station, excluding overnight parking and storage of buses.

12. Commercial parking lot.
13. Community buildings and recreational facilities not publicly owned.
14. Day care center, if the drop off or outdoor play area is within one hundred (100) feet of a residential district (see section 1.403 for criteria).
15. Drive-in theater.
16. Equipment sales rental and storage yard (see section 1.403 for criteria regarding outdoor vehicular display).
17. Funeral home and chapel.
18. Game center.
19. Gasoline service station (see section 1.403 for criteria).
20. Health studio.
21. Live entertainment (see section 1.403 for criteria).
22. Miniature golf course.
23. Motorcycle sales (see section 1.403 for criteria regarding outdoor vehicular display).
24. Outdoor sales display area.
25. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
26. Pool hall.
27. Recreational vehicle and camper sales (see section 1.403 for criteria regarding outdoor vehicular display).
28. Residential health care facility (see section 1.403 for criteria).
29. Sports arena.
30. Teen dance center (see section 1.403 for criteria).
31. Tire store excluding retreading.
32. Unoccupied recreational vehicle storage.
33. Upholstery shop, automotive.
34. Internalized community storage (see section 1.403 for criteria).
35. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
36. Seasonal art festival.

(Ord. No. 1851, § 1, 11-5-85; Ord. No. 1971, § 1, 8-4-87; Ord. No. 2232, § 1, 6-6-89; Ord. No. 2311, § 1, 6-21-90; Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2831, § 1, 9-19-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3394, 6-19-01; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3542, § 1, 12-9-03)

**Editor's note:** Ordinance No. 1851 added "teen dance center" to paragraph B above. Such ordinance did not number the subparagraphs. Numbers have been editorially supplied for consistency.

#### **Sec. 5.1504. Property development standards.**

The following property development standards shall apply to all land and buildings in the C-3 district:

- A. *Floor area ratio.* In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by net lot area in square feet.
- B. *Volume ratio.* In no case shall the volume of any structure exceed the product of the net lot area in

square feet multiplied by 9.6 feet.

C. *Open space requirement.*

1. In no case shall the open space requirement be less than ten (10) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus four-tenths percent of the net lot for each foot of height above twelve (12) feet.
2. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

D. *Building height.* No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VI or article VII.

E. *Density.*

1. Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit.

F. *Yards.*

1. *Front Yard.*

- a. No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply.
- b. A minimum of one-half ( 1/2) of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces.
- c. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

2. *Side Yard.*

- a. A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
- b. A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

3. *Rear Yard.*

- a. A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The fifty (50) feet may include the width of the alley.
- b. A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

4. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit.

5. Other requirements and exceptions as specified in article VII.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2818, § 1, 10-17-95)

**Sec. 5.1505. Off-street parking.**

The provisions of article IX shall apply.

**Sec. 5.1506. Signs.**

The provisions of article VIII shall apply.